

TOBACCO PRODUCTS DISTRIBUTOR BAD DEBT DEDUCTION FOR UNCOLLECTIBLE WISCONSIN TOBACCO PRODUCTS TAX

(attach to your Wisconsin TT-100 or TT-105)

| | | | |
|------|-------------------------|--------------------------------|--------------|
| Name | Federal Employer ID No. | Wis. Distributor Permit Number | Month & Year |
|------|-------------------------|--------------------------------|--------------|

IMPORTANT:

- Applies to tobacco products tax (excluding cigarettes) bad debts written off on or after September 1, 2005. **Exception:** Promotional/free tobacco products on which tax was reimbursed by the manufacturer.
- Tobacco products tax must be written off as uncollectible before claiming a deduction, provided such amount is eligible to be deducted under section 166 of the Internal Revenue Code for federal income tax purposes.

To be eligible for a bad debt deduction, a debt must meet the definition of “bad debt” provided for in WI Stat. s.139.80(1). Bad debt means the excise taxes attributable to any portion of a debt that is related to a sale of tobacco products on which the distributor paid the tax under **WI Stat. s.139.76** that is not otherwise deductible or excludable and that has become worthless or uncollectible. Bad debt does not include financing charges, interest on the wholesale price of tobacco products, uncollectible amounts on property that remains in the distributor’s possession until the full purchase price is paid, any collection expenses, debts sold or assigned to third parties for collection and repossessed property.

Due date – The deduction must be claimed on the return filed for the month in which the bad debt was written off as uncollectible and eligible as a deduction as bad debt for federal income tax purposes.

Recovery of Uncollectible Tobacco Products Taxes from Customers – Uncollectible tobacco products taxes deducted on a prior month which you subsequently recover from customers must be paid to the Department on the return filed for the month in which the payment was received. Repayment includes, but is not limited to cash, credit cards or cash register receipts, assigned stocks, tangible property or real estate, or beneficiary payment, etc. Enter the total repayment amount attributable to the tobacco products taxes on TT-100, line 10 (in-state distributor) or TT-105, line 14 (out-of-state distributor) and attach a copy of this form that was previously filed noting the appropriate entry(ies) where you previously claimed the deduction(s) for each payment received.

*Tax rate as of October 1, 2001 is 25% of the manufacturer’s established list price to distributors, prior to any reductions for volume or discount.

| Line No. | Column A Sales Invoice | | Column B Sold To | | Column C Type of Customer (check one) | Column D Date Wrote Off As Uncollectible | Column E Tobacco Products at Manufacturer's List Price | Column F Tax Rate* (as of date in Column A) | Column G Uncollectible Tobacco Products Tax (Column E X Column F) |
|----------|--|--------|---------------------|----------|--|--|---|---|---|
| | Date | Number | Name & Address | FEIN/SSN | | | | | |
| 1 | | | | | <input type="checkbox"/> Wholesaler <input type="checkbox"/> Retailer | | | | \$ |
| 2 | | | | | <input type="checkbox"/> Wholesaler <input type="checkbox"/> Retailer | | | | |
| 3 | | | | | <input type="checkbox"/> Wholesaler <input type="checkbox"/> Retailer | | | | |
| 4 | | | | | <input type="checkbox"/> Wholesaler <input type="checkbox"/> Retailer | | | | |
| 5 | TOTAL - Add lines 1 through 4 and enter total of column G on your TT-100, line 9 or TT-105, line 13 | | | | | | | | \$ |

A person claiming a bad debt deduction on this schedule must complete in full the information required above and must attach all of the following:

1. A copy of the original invoice for the sale of tobacco products that represents bad debt for each of the bad debts listed above.
2. Evidence that the tobacco products were delivered to the purchaser (e.g. a bill of lading signed by the purchaser).
3. Evidence that the purchaser of the tobacco products did not pay the distributor and that the distributor used reasonable collection practices to collect the debt. (Proof of reasonable collection practices includes copies of delinquency letters, legal action, invoices showing a past due amount, and/or copies of US Certified Mail cards showing the person signed for the letter/invoice and/or refused to accept the letter/invoice). **Note: The delivery of tobacco products on credit to a purchaser who is delinquent on a previous delivery of tobacco products may result in the department requiring additional evidence that the permittee used reasonable collection practices to collect the debt.**
4. Explain why you decided the debt was worthless. For example, you could show that the purchaser had declared bankruptcy, or that legal action to collect would probably not result in payment of any part of the debt.

Failure to provide this information and documentation will result in this deduction being disallowed and an assessment being issued for the additional tax, penalty and interest due.